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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/737,140	12/15/2003	Kazuhiro Noguchi	1232-5231	6341
27123	7590	06/27/2007		
MORGAN & FINNEGAN, L.L.P. 3 WORLD FINANCIAL CENTER NEW YORK, NY 10281-2101			EXAMINER THOMPSON, TIMOTHY J	
			ART UNIT 2873	PAPER NUMBER
			MAIL DATE 06/27/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/737,140

Applicant(s)

NOGUCHI, KAZUHIRO

Examiner

Timothy J. Thompson

Art Unit

2873

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 2, 5 and 7-9 is/are rejected.
- 7) ☒ Claim(s) 3, 4 and 6 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_.

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1,2 5, 7-9 are rejected under 35 U.S.C. 102(e) as being anticipated by Ue et al.(U.S. Pat. No. 6.741,404).

Regarding claim 1, Ue et al. discloses; a fixed member which constitute a body of the apparatus(fig 1, 2); first(fig 1, 4) and second lens holding members(fig 1, 6) which hold respective lens units and are movable in the direction of the optical axis with respect to the fixed member; and a driving member which engage the first and second lens holding members and drives these first and second lens holding members in the direction of the optical axis(col 2, lines 25-30), wherein the fixed member is provided with a support portion which supports the first lens holding member in the direction perpendicular to the optical axis(fig 1, 2 the area that accepts the extension 8a), and the second lens holding member is provided with a first supported portion(fig 1, 17b)supported by the first lens holding member in the direction perpendicular to the optical axis and a second supported portion supported by the fixed member in the

direction perpendicular to the optical axis at positions separate from each other in the direction of the optical axis and at least two locations around the optical axis(fig 1).

Regarding claim 2, Ue et al. discloses a part which supports the second supported portion in the fixed member is formed in the peripheral wall housing the first and second lens holding members in the fixed member(fig 1, 17a).

Regarding claim 5, Ue et al. discloses wherein the fixed member is provided with a housing portion which houses the supported portion of the second lens holding member which has been moved to the fixed member side in the direction of the optical axis(fig 1, and col 3, lines 15-20, since fromaes 3 and 2 are the same length in the retracted position the support portion is housed by the fixed member when in the retracted position).

Regarding claim 7, Ue et al. discloses the first lens l=unit includes aplurality of lenses(fig 1, 9).

Regarding claim 8, Ue et al. discloses booth the first and second lenses move for magnification (fig 1).

Regarding claim 9, Ue et al. discloses a recording unit that records the image(col 1, lines 8-10, since the lenses barrel is used with a camera).

***Allowable Subject Matter***

Claims 3, 4, 6 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of

the base claim and any intervening claims. The allowable features being; the first and second lens holding members engage the same groove; the first and second support portions have the same phase around the optical axis; the cam follower portions engage the same cam member.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Timothy J. Thompson whose telephone number is (571) 272-2342. The examiner can normally be reached on 8:30 AM - 6:00 Pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mack Ricky can be reached on (571) 272-2333. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

TIMOTHY THOMPSON  
PRIMARY EXAMINER

